

**Thomas P. Riley, SBN 194706
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**Attorneys for Plaintiff
Garden City Boxing Club, Inc.**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Garden City Boxing Club, Inc.,

Case No. CV 07-5925 MMC

Plaintiff,

vs.

Miguel Juarez Zavala, et al.

**DECLARATION OF THOMAS P.
RILEY IN SUPPORT OF PLAINTIFF'S
APPLICATION FOR DEFAULT
JUDGMENT BY THE COURT
AGAINST DEFENDANT MIGUEL
JUAREZ ZAVALA, INDIVIDUALLY
AND D/B/A TIJUANA MIKE'S
MEXICAN RESTAURANT & TEQUILA
BAR**

To: The Clerk of the above-entitled Court:

I, Thomas P. Riley, declare as follows:

1. My firm and I are counsel to Garden City Boxing Club, Inc., in the above-entitled action.

2. The Defendant had not appeared in this action and has not responded to the Complaint upon him within the time permitted by law.

3. Defendant is not infant, incompetent person, or a person in military service or otherwise exempted from default judgment under the Soldiers' and Sailors' Civil Relief Act of 1940.

**DECLARATION OF THOMAS P. RILEY IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR DEFAULT JUDGMENT
BY THE COURT
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1 4. On June 25, 2008, a Request for Entry of Default was filed with the Court regarding
2 Defendant Miguel Juarez Zavala, individually and d/b/a Tijuana Mike's Mexican Restaurant & Tequila
3 Bar, the instant Defendant.

5. Default was entered on June 26, 2008, against Defendant Miguel Juarez Zavala,
individually and d/b/a Tijuana Mike's Mexican Restaurant & Tequila Bar.

7 6. This action involves a claim for damages by Plaintiff Garden City Boxing Club, Inc.,
8 against Defendant Miguel Juarez Zavala, individually and d/b/a Tijuana Mike's Mexican Restaurant &
9 Tequila Bar for misappropriation of a Championship Boxing Program in violation of 47 U.S.C. Section
10 605, *et seq.*, and 47 U.S.C. Section 553, *et seq.* Plaintiff further alleges that the Defendant committed
11 tort of Conversion. Plaintiff seeks relief on its causes of action as set forth below.

12 7. Plaintiff respectfully requests judgment in its favor and that damages be awarded to it, as
13 follows:

14	a. Violation of Title 47 U.S.C. 605 (e)(3)(B)(iii) and (c)(ii):	\$	50,000.00
15	b. Violation Title 47 U.S.C. 553 (b)(2) and (c)(2)(c):	\$	50,000.00
16	<u>c. Tort of Conversion:</u>	\$	800.00
17	Total Amount of Requested Judgment:	\$	100,800.00

I declare under the penalty of perjury of the laws of the State of California and the United States of America that the above is true and correct.

Respectfully submitted,

24 Dated: July 15, 2008

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.
By: Thomas P. Riley
Attorneys for Plaintiff
Garden City Boxing Club, Inc.

PROOF OF SERVICE (SERVICE BY MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On July 15, 2008, I served:

**DECLARATION OF THOMAS P. RILEY IN SUPPORT OF PLAINTIFF'S
APPLICATION FOR DEFAULT JUDGMENT BY THE COURT**

On all parties referenced by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Miguel Juarez Zavala (Defendant)
2316 Cooley Avenue
East Palo Alto, CA 94303

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on July 15, 2008, at South Pasadena, California.

Dated: July 15, 2008

/s/ *Emily Stewart*
EMILY STEWART

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